

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BROADCAST MUSIC, INC.; DEL SOUND MUSIC; MJ PUBLISHING TRUST d/b/a MIJAC MUSIC; SONY/ATV SONGS LLC d/b/a SONY/ATV TREE PUBLISHING; EMI BLACKWOOD MUSIC INC.; HOUSE OF CASH, INC.; SONGS OF UNIVERSAL, INC.; UNIVERSAL-SONGS OF POLYGRAM INTERNATIONAL, INC.; ALLEY MUSIC CORP.; T/Q MUSIC, INC. d/b/a TRIO MUSIC COMPANY; SONY/ATV SONGS LLC; THE BERNARD EDWARDS COMPANY LLC; RONDOR MUSIC INTERNATIONAL, INC. d/b/a IRVING MUSIC; WARNER-TAMERLANE PUBLISHING CORP.; VAN MC COY MUSIC, INC.; JEFF BARRY INTERNATIONAL; WOOLNOUGH MUSIC; DARKROOM MUSIC; SONY/ATV SONGS LLC d/b/a SONY/ATV ACUFF ROSE MUSIC; HUSKY MUSIC, INC.,

Plaintiffs,

v.

LAVIGNA, INC. d/b/a VILLARI'S LAKESIDE RESTAURANT & BAR; and NICOLA ABBATE and GIOSEPPE ABBATE, each individually,

Defendants.

Civil Action No. 17-4382 (JHR) (AMD)

**ORDER AND FINAL
JUDGMENT BY DEFAULT**

This matter having been opened to the Court by way of motion filed by Plaintiffs, by and through their attorneys, Gibbons P.C., seeking entry of final judgment by default against Defendants LaVigna, Inc. d/b/a Villari's Lakeside Restaurant & Bar, Nicola Abbate, and Giuseppe Abbate (collectively, "Defendants"); and it appearing that the Complaint in this matter was filed on June 15, 2017; and service of a copy of the Summons and Complaint having been effectuated with respect to Defendants; and the time for answering the Complaint having expired; and Defendants

having failed to interpose an answer or otherwise respond to the Complaint; and it appearing that default was duly entered by the Clerk of the Court as to Defendants on August 18, 2017 for failure to plead or otherwise defend in this action; and the Court having reviewed the papers in support of Plaintiffs' Motion for Default Judgment and any opposition thereto; and good cause having been shown:

IT IS on this 26th day of March, 2018,

ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs' Motion for Default Judgment against Defendants is granted and Plaintiffs have judgment against Defendants, this Court finding that Defendants knowingly and intentionally infringed upon the copyrights of seventeen (17) musical compositions owned and/or licensed by Plaintiffs;

2. Defendants and their agents, servants, employees and all persons acting under their permission or authority shall be permanently enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by Broadcast Music, Inc.; and

3. Plaintiffs shall recover from Defendants LaVigna, Inc. d/b/a Villari's Lakeside Restaurant & Bar, Nicola Abbate, and Giuseppe Abbate, jointly and severally, statutory damages in the amount of Three Thousand Three Hundred Dollars (\$3,300.00) for each of the seventeen (17) musical compositions, for a total of Fifty-Six Thousand One Hundred Dollars (\$56,100.00), pursuant to 17 U.S.C. § 504(c)(1).

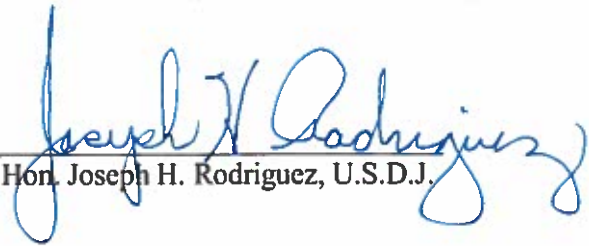
4. Plaintiffs shall recover from Defendants LaVigna, Inc. d/b/a Villari's Lakeside Restaurant & Bar, Nicola Abbate, and Giuseppe Abbate, jointly and severally, full costs in this action, including reasonable attorney's fees, pursuant to 17 U.S.C. § 505.

5. Plaintiffs shall recover from Defendants LaVigna, Inc. d/b/a Villari's Lakeside

Restaurant & Bar, Nicola Abbate, and Giuseppe Abbate, jointly and severally, interest on the full amount of this judgment, from the date of this judgment, pursuant to 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this action for the purpose of enforcing the judgment granted.

IT IS FURTHER ORDERED that within twenty-one (21) days of this Order Plaintiffs are directed to submit a Certification of Services regarding Plaintiffs' costs and attorneys' fees incurred in this action.



Hon. Joseph H. Rodriguez, U.S.D.J.